

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY GARRETT BROWN,)	
)	Civil Action No. 22-364
Petitioner,)	
)	District Judge David S. Cercone
v.)	Magistrate Judge Maureen P. Kelly
)	
WARDEN JEFFREY S. FEWELL,)	Re: ECF No. 6
)	
Respondent.)	

MEMORANDUM ORDER

Gregory Garrett Brown (“Petitioner”) is a pre-trial detainee currently housed in the Washington County Jail in Washington, Pennsylvania. This case was initiated on March 1, 2022 with the receipt of the Petition without filing fee or motion for leave to proceed *in forma pauperis*. ECF No. 1. Petitioner paid the filing fee on March 22, 2022, and the Petition formally was filed on the same date. ECF Nos. 4 and 5.

On March 25, 2022, United States Magistrate Judge Maureen Kelly issued a Report and Recommendation recommending that this case be dismissed pre-service. See ECF No. 6.

Petitioner filed a Notice of Appeal directly with the Court of Appeals on March 24, 2022. ECF No. 9. An Amended Notice of Appeal was received on April 1, 2022. ECF No. 12. The appeal was dismissed on June 30, 2022, and notice of the same was provided to this Court on July 25, 2022. ECF No. 1.

During the pendency of the appeal, Petitioner submitted Objections to the Report and Recommendation. ECF No. 13. After the appeal was dismissed, and out of an abundance of caution, Petitioner was granted until August 24, 2022, to file supplemental objections. Text Ord. dated July 25, 2022. To date, no supplemental objections have been filed, and this Court presumes that Petitioner intends to stand on his initial Objections.

After *de novo* review of the pleadings and documents in the case, together with the Petition, ECF No. 5, the Report and Recommendation, ECF No. 6, and Petitioner's Objections thereto, ECF No. 13, the following order is entered:

AND NOW, this 24th day of October, 2022,

IT IS HEREBY ORDERED that this case is DISMISSED. Petitioner's Objections are OVERRULED and DISMISSED.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED, as jurists of reason would not debate whether Petitioner was entitled to relief. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000).

IT IS FURTHER ORDERED the Report and Recommendation, ECF No. 6, as it is supplemented by this Order, is adopted as the opinion of this Court.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order he must file a notice of appeal within 30 days, as provided in Rule 3 of the Federal Rules of Appellate Procedure, with the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Petitioner is referred to Rule 22 of the Federal Rules of Appellate Procedure and to 3d Cir. L.A.R. 22.1 for the timing requirements for applying for a certificate of appealability from the Court of Appeals (available at https://www2.ca3.uscourts.gov/legacyfiles/2011_LAR_Final.pdf).

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

Gregory Garrett Brown
2020-188
Washington Correctional Facility
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Washington, PA 15301